

NATURE OF CHARGE: Canned apricots. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned apricots, since more than 20 percent of the units in the container of the article were blemished with scab, discoloration, and other abnormalities; and the label of the article failed to bear a statement that it fell below such standard.

Canned peaches. Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches, since the standard provides that, in the case of canned peaches of standard quality, except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units is crushed or broken, whereas the article consisted of peach halves and was packed in containers holding more than 20 units, and more than 5 percent of the units in the container were crushed or broken; and the label of the article failed to bear a statement that it fell below such standard.

Tomato juice. Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the labels on the cans of the article bore the statement "Contents 1 Qt. 14 Fl. Oz.," whereas the cans contained less than 1 quart, 14 fluid ounces.

DISPOSITION: October 21, 1947. A plea of guilty having been entered on behalf of the corporation, and a plea of nolo contendere having been entered by the individual, the court imposed fines of \$1,000 against the corporation and \$500 against the individual.

12519. Adulteration of canned apricots. U. S. v. 67 Cases * * *. (F. D. C. No. 21380. Sample No. 39202-H.)

LIBEL FILED: October 29, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 20, 1946, by the Riverbank Canning Co., from Riverbank, Calif.

PRODUCT: 67 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Chicago, Ill.

LABEL, IN PART: "Sun-Red Whole Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 9, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12520. Misbranding of canned apricots. U. S. v. 1,955 Cases * * *. (F. D. C. No. 23711. Sample No. 75859-H.)

LIBEL FILED: September 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 25, 1947, by the Foster & Wood Canning Co., from Lodi, Calif.

PRODUCT: 1,955 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: "Asco Brand Tree-Ripened Whole Peeled Apricots In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the labels of portions of the article failed to bear the name of the optional packing medium, as required by the definition and standard of identity for canned apricots, since the labels on the cans bore the statement "In Heavy Syrup," whereas the cans in certain codes in the shipment contained sirup designated as "light sirup" in the definition and standard.

DISPOSITION: October 27, 1947. The Foster & Wood Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

12521. Misbranding of canned apricots. U. S. v. 673 Cases * * *. (F. D. C. No. 21238. Sample No. 45653-H.)

LIBEL FILED: October 14, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about August 12, 1946, by R. C. Isenbruck & Co., Moss Landing, Calif., from Oakland, Calif.

PRODUCT: 673 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Torrington, Conn.

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup · National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article failed to conform to the definition and standard of identity for canned apricots. Its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in the standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality prescribed for canned apricots because of an excess of blemished fruit, and the article was not labeled to show that it was substandard.

DISPOSITION: February 21, 1947. R. C. Isenbruck & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

12522. Misbranding of canned apricots. U. S. v. 213 Cases * * *. (F. D. C. No. 23636. Sample No. 74899-H.)

LIBEL FILED: On or about September 3, 1947, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 8, 1946, by R. C. Isenbruck & Co., from Castroville, Calif.

PRODUCT: 213 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Providence, R. I.

LABEL, IN PART: "Elmdale Whole Unpeeled Apricots In Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product failed to conform to the standard of quality for canned apricots, since more than 20 percent of the apricot units were blemished with scabs, discoloration, and other abnormalities, and more than 5 percent of the apricot units were crushed and broken; and the product was not labeled as substandard.

DISPOSITION: November 13, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12523. Adulteration of canned peaches. U. S. v. 417 Cases * * *. (F. D. C. No. 23793. Sample No. 61090-H.)

LIBEL FILED: October 6, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about September 4, 1946, by the Russell Corp., from Plant City, Fla.

PRODUCT: 417 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Rochester, N. Y.

LABEL, IN PART: "Russell's Fine Foods Peaches Irregular Shapes and Sizes Packed in Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm excreta.

DISPOSITION: November 10, 1947. Default decree of condemnation and destruction.

12524. Misbranding of canned peaches. U. S. v. 124 Cases, etc. (F. D. C. No. 23981. Sample No. 15011-K, 15012-K.)

LIBEL FILED: December 3, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 2, 1947, by Roberts Brothers, from Americus, Ga.

PRODUCT: Peaches. 124 cases, each containing 48 cans, and 119 cases, each containing 48 cans, at Chicago, Ill.

LABEL, IN PART: "Roberts Big R Brand Sliced White [or "Yellow"] Free-stone Peaches In Light Syrup Contents 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality. The peach units were not untrimmed or so trimmed as to preserve normal shape, and the label failed to indicate that the article was below standard.

DISPOSITION: January 29, 1948. The Excel Wholesale Grocery Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in accordance with the law, under the supervision of the Federal Security Agency.